



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY  
WET 2005-15

June 10, 2005

Ziad Lababidi  
21 Garrison Ln  
Madbury, NH 03867

RE: DES Wetlands File #2005-00017 Winding Rd, Milton

Dear Mr. Lababidi.:

On April 27, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced properties, more specifically referenced on Town of Milton Tax Map 48 as Lot 68, 68-1, and Lot 68-2. The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. Rutting and filling of wetlands at two logging crossings on lot 68; and
2. Filling of 335 sq ft of wetlands for lot development on lot 68-2.
3. Siltation of an additional 960 sq ft of wetland on lot 68-2 due to improperly installed erosion controls.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a qualified professional, and include provisions to remove the logging crossings and restore the wetlands to pre-existing conditions on lot 68 and to remove the fill from and restore the wetlands on lot 68-2. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with wetland boundaries as delineated by a certified wetland scientist; and
  2. Proposed conditions after reestablishing the jurisdictional areas.

- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
  - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
  - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
  - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.
2. Retain a qualified professional to supervise the implementation of the restoration plan and to submit the restoration progress reports.
  3. Submit a letter signed by the owners of lot 68-2 authorizing you to do the proposed restoration work on their property.
  4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Stacey Herbold at (603) 271-4062.

Sincerely,

A handwritten signature in cursive script, appearing to read "Collis G. Adams", is written over a large, bold, black "COPY" stamp.

Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7004 0750 0003 0561 8262

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen R. Hamel, Administrator, DES Legal Unit ✓  
Milton Conservation Commission  
Milton Board of Selectmen  
Michelle Shannahan  
Curtis Hartman  
Brandon Snyder  
Richard Swiatocha  
Nancy Rendall  
USACOE